

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:21-cv-316-GCM**

MANETIRONY CLERVRAIN,

Plaintiff,

vs.

ELAINE F. MARSHALL,

Defendant.

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ORDER

THIS MATTER is before the Court on its July 15, 2021, Order, (Doc. No. 4).

The *pro se* Plaintiff, a former federal prisoner and frequent litigant, filed a document that was docketed in the instant action as a civil rights Complaint. (Doc. No. 1). In an Order entered on July 15, 2021, the Court granted Plaintiff's Application to proceed *in forma pauperis* and dismissed the Complaint on initial review pursuant to 28 U.S.C. § 1915 as frivolous and for failure to state a claim upon which relief can be granted. (Doc. No. 4). The Court granted Plaintiff the opportunity to amend the Complaint within 30 days and cautioned him that the failure to do so would result in this case's dismissal without further notice. (*Id.*).

Plaintiff failed to amend his Complaint in accordance with the July 15 Order and the time to do so has expired. Therefore, this action will be dismissed without prejudice. Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."); Link v. Wabash R.R. Co., 370 U.S. 626, 631-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, a district court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

IT IS, THEREFORE, ORDERED that:

1. This action is **DISMISSED** without prejudice for Plaintiff's failure to comply with the Court's July 15, 2021 Order.
2. The Clerk of this Court is directed to close this case.

Signed: August 18, 2021

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

